

REMARKS

This application was filed with 34 claims. Claims 1-34 have been rejected. Claims 1 and 32 have been amended. Claims 33 and 34 have been cancelled. Therefore, Claims 1-32 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Realtor Workstation (“Realtor”) in view of Metropolitan Regional Information Systems, Inc (“MRIS”).

Applicant respectfully traverses the position taken by the Examiner on page 2 of the Office Action. Specifically, the Office Action states that the recitation of particular categories of data stored on the computer database of the system is “non-functional descriptive material” that does not define over the applied prior art. The Office Action further states that the prior art is “fully capable of storing the claimed data.” Applicant does not understand this position. The claims at issue do more than claim that the computer database of the system is capable of storing this data. Rather, the claims specifically recite that the system database contains the particular categories of data. Of course, Applicant must recite the particular categories of data by describing them, but the nature of this data, in combination with the other aspects of the system, distinguishes the system from the prior art. The stored data, as specified and described, is part of the claimed system (or “article”, as that term

is used in the Office Action). If the nature of the data stored, processed, and outputted by a computerized system can be ignored for purposes of applying the prior art, then all systems and methods that rely on processing of stored data in a conventional computer are *de facto* non-patentable.

Also, Applicant respectfully disputes the contention on page 2 of the Office Action that the recitation of categories of data stored in the system is “not functionally related to the article.” For example, with reference to the “information” stored in the computer database, Claim 1 recites that the system includes search data entry fields so that the system can “yield at least one search result corresponding to a subset of the database information.” Claim 1 also recites that the system can assemble “desired database information” in a “first package of information” and in a “second package of information.” Further still, Claim 1 states that selected database information can be stored in portfolio folders. Thus, Claim 1 includes limitations based on functional uses of the database information. Accordingly, Applicant submits that it would be improper to ignore the categories of database information as recited in the claims for purposes of distinguishing Applicant’s invention from the prior art.

With respect to the Realtor Workstation (“Realtor”) and Metropolitan Regional Information System (“MRIS”) as applied to Claim 1 as amended, neither Realtor nor MRIS disclose a system that provides a plurality of portfolio folders, including folder tools associated with each of the portfolio folders, the folder tools including data entry fields and at least one second package output field for selecting and outputting a second package of information. The folder

tools, second package data entry fields, and second package output field limitations are each noted on page 4 of the Office Action but no reference is made to either Realtor or MRIS where such limitations are taught.

With respect to Claim 4, page 26 of Realtor does not disclose use of a highlighted border corresponding to the property lines.

With respect to Claims 6, 9, 10, 13, and 15, page 26 of Realtor does not disclose a “transaction type”. This is a significant omission in a system such as Applicant’s that, in a preferred embodiment, is used for marketing of commercial real estate.

With respect to Claims 8 and 18, neither Realtor nor MRIS disclose maps showing income and population demographics. Again, this is a significant distinction for a system focused on commercial real estate.

With respect to Claim 19, neither Realtor nor MRIS disclose a demographic section that includes gender, age, ethnicity, income, and spending demographic information. Although page 8 of the Office Action states that such teaching exists, there is no reference to any part of Realtor or MRIS where it can be found. This is understandable because both Realtor and MRIS are primarily used for residential real estate.

With respect to Claims 29, 30, and 32 as amended, neither Realtor nor MRIS disclose a portfolio folder that includes information on how many other users have viewed, printed or e-mailed information relating to a particular property, and how many e-mails and other communications the listing user has sent concerning each property. Although page 10 of the Office Action

states that such teaching exists, there is no reference to any part of Realtor or MRIS where it can be found.

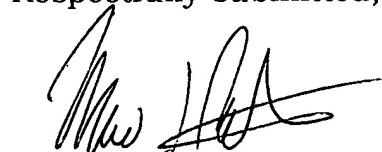
As a final comment in response to the rejections of Claims 1-32, the Office Action frequently states that a claim limitation is a “design choice”. Applicant respectfully submits that a characterization of a claim limitation as a “design choice” is not a proper substitute for a teaching of the limitation in the prior art or for a suggestion for combining the teaching with other prior art references for purposes of establishing a *prima facie* case of obviousness under Section 103.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the December 15, 2004, Office Action for two months from March 15, 2005, to May 15, 2005. Applicant encloses herewith a check in the amount of \$225 made payable to the Director of the USPTO for the petition fee. The Commissioner is authorized to charge any

deficiency or credit any overpayment associated with the filing of this Response
to Deposit Account 23-0035.

Respectfully submitted,



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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response and Amendment, along with a check in the amount of \$225.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on May 16, 2005.

Mark J. Patterson


Signature
Registration Number 30,412


Date